

HOUSE BILL 1138

By Grills

AN ACT to amend Tennessee Code Annotated, Title 64,
Chapter 1, Part 11, relative to the West
Tennessee River Basin Authority.

WHEREAS, the General Assembly recognizes the need to reduce the impact and
magnitude of flood damages to the State; and

WHEREAS, in recognition of the benefits of reducing the impact and magnitude of flood
damages to the State, the General Assembly is creating the West Tennessee River Basin
Authority Flooding Resiliency Fund, the purposes of which is to ensure that flood resiliency
projects that reduce flood risk, educate the general public and practitioners with regard to
flooding processes, and help protect the public from flood damages will proceed in a manner
that is economically sound, and that revenues received from these activities will be used for the
long-term public interest; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated Section 64-1-1102(a)(1), is amended by
deleting subdivision (A) and substituting the following:

(A) The county mayor, or the county mayor's designee, of each county electing
to participate in the authority shall be a member of the board or, if the county mayor
recommends, the county legislative body may select a member of the county legislative
body or another citizen of the county to serve instead of the county mayor;

SECTION 2. Tennessee Code Annotated, Title 64, Chapter 1, Part 11, is amended by
adding the following as a new section:

(a) This section is known and may be cited as the "West Tennessee River Basin
Flood Resiliency Fund Act."

(b) As used in this section, unless context otherwise requires:

(1) "Commissioner" means the commissioner of environment and conservation, or the commissioner's designee;

(2) "Flooding resiliency projects" means projects that reduce flood risk, educate the general public and practitioners with regard to flooding processes, or help protect the public from flood damage risks;

(3) "General fund" means the state's general fund; and

(4) "Resiliency fund" means the West Tennessee River basin authority flooding resiliency fund created by this section.

(c) There is created within the general fund a special account to be known as the West Tennessee River basin authority flooding resiliency fund. Notwithstanding a law to the contrary, all appropriations made either in the general appropriations act or in any other act for the purpose of funding the items listed in subsection (g) must be deposited in the resiliency fund. In addition to such appropriations, all revenues from the following sources must be deposited and held in the resiliency fund:

(1) Revenues collected from education and training activities performed by the authority, including certification and general education training for activities related to water resource management;

(2) All donations received by the authority from private sources for the purpose of flood resiliency; and

(3) Flood resiliency income of the authority from floodplain restoration activities that generate mitigation revenue such as stream and wetland credits.

(d) Any unencumbered funds and any unexpended balance of the resiliency fund remaining at the end of any fiscal year do not revert to the general fund, but must be carried forward until expended in accordance with this section.

(e) Interest accruing on investments and deposits of the resiliency fund must be returned to the resiliency fund and remain a part of the resiliency fund.

(f) The state treasurer shall invest moneys in the resiliency fund for the resiliency fund's benefit pursuant to § 9-4-603. The board shall administer the resiliency fund and all expenditures from the resiliency fund are subject to the commissioner's review in the form of an annual report.

(g) Items eligible for resiliency fund expenditures include any projects or efforts that meet the purposes for which the resiliency fund was established, subject to the board's approval, including, but not limited to, flood control, flood risk reduction, stream and wetland restoration, and water resource education.

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it.